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CHERYL FILLEKES & OPT-IN

PLAINTIFFS

13
14 **UNITED STATES DISTRICT COURT**
15 **NORTHERN DISTRICT OF CALIFORNIA**
16

17 ROBERT HEATH, on behalf of himself

18 and

19 CHERYL FILLEKES, on behalf of herself and
20 others similarly situated,

21 v.

22 GOOGLE LLC., a Delaware limited liability
company,

23 Defendant.
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Case No. 5:15-cv-01824-BLF

**JOINT STATUS REPORT REGARDING
COLLECTIVE ACTION SETTLEMENT**

Complaint Filed: April 22, 2015

Trial Date: April 1, 2019

1 Defendant Google LLC (“Google”), Plaintiff Cheryl Fillekes and the Opt-in Plaintiffs (the
2 “Collective Action Plaintiffs”) submit this joint Status Report Regarding Collective Action
3 Settlement.

4 On October 5, 2018, the Parties reached a settlement in principle with the assistance of
5 Magistrate Judge Ryu, after participating in a full-day Settlement Conference on October 2, 2018,
6 and a further telephonic Settlement Conference on October 5, 2018. The Parties agreed to use best
7 efforts to seek court approval within 60 to 90 days. ECF 393.

8 The Parties have been working to prepare the long-form Settlement Agreement and its
9 exhibits, but the process has taken longer than expected. The Parties remain committed to the
10 settlement.

11 This is not a Rule 23 class action that involves preliminary approval, a notice period, and
12 then final approval. Rather, this is a collective action under section 29 U.S.C. § 216(b), in which
13 each Collective Action Plaintiff has already received notice, joined the action as a party plaintiff by
14 filing a Consent to Join form, and designated Collective Counsel (Kotchen & Low LLP) as counsel
15 in this action. Accordingly, the Parties are planning to distribute the long-form Settlement
16 Agreement to the Collective Action Plaintiffs, procure signatures from those Collective Action
17 Plaintiffs who wish to participate in the settlement, and then file settlement-approval papers with
18 the Court. The Parties expect to complete and execute the Settlement Agreement and then file a
19 motion for approval of the Collective Settlement, after giving Collective Action Plaintiffs adequate
20 time to review the Settlement Agreement and decide whether to participate in the settlement. The
21 Parties will inform the Court once they have executed the Settlement Agreement.

22
23 DATED: January 17, 2019

OGLETREE, DEAKINS, NASH, SMOAK &
STEWART, P.C.

24
25 By: /s/ Brian D. Berry
26 Thomas M. McInerney
27 A. Craig Cleland
28 Brian D. Berry

Attorneys for Defendant GOOGLE LLC

1 DATED: January 17, 2019

KOTCHEN & LOW LLP

2
3 By: /s/ Daniel Kotchen

Daniel Low

Daniel Kotchen (*pro hac vice*)

4 Michael von Klemperer (*pro hac vice*)

5 Lindsey Grunert (*pro hac vice*)

Amy Roller (*pro hac vice*)

6 Attorneys for Plaintiff

7 CHERYL FILLEKES and OPT-IN PLAINTIFFS

8
9
10 **SIGNATURE ATTESTATION**

11 Pursuant to Civil Local Rule 5-1(i)(3), I attest that concurrence in the filing of this
12 document has been obtained from the other signatories.

13
14 DATED: January 17, 2019

By: /s/ Brian D. Berry